

## Cabinet

29<sup>th</sup> August 2024

## Report of the Chair of the Corporate Scrutiny Committee

## Matters referred to Cabinet in accordance with the Overview and Scrutiny Procedure Rules

Scrutiny Committee	Title of Matter referred	Date of Scrutiny meeting
Corporate Scrutiny	Update on Leaseholder Strategic review	13 <sup>th</sup> August 2024

**Exempt Information**

None.

**Purpose**

To notify Cabinet of the report and recommendations from the Update on Leaseholder Strategic review item that was discussed at the meeting of the Update on Leaseholder Strategic review on the 13<sup>th</sup> August 2024.

**Recommendations**

**Following consideration of the item the Committee agree to the following recommendations being made to Cabinet:**

**Resolved that the committee made an amendment to recommendation one to be made to cabinet to:**

1. Strongly recommended that Cabinet adopt the recommendations of the report produced by Campbell Tickell.

**The Committee moved an amendment to recommendation eight to be made to cabinet that:**

2. This Council further develops a Service Improvement Plan, and this come back to the Corporate Scrutiny Committee.

*(moved by Councillor T Jay and seconded by Councillor B Price)*

**A further two recommendations were made by the Committee that:**

3. The Portfolio Holder and Officers devise an appropriate goodwill payment using industry standards as a small gesture from this Council to these residents in light of the inconvenience and worry caused during this period and seek approval from this Scrutiny Committee for this.

*(Moved by Councillor T Jay and seconded by Councillor M Summers)*

4. That Cabinet consider the adoption of a plain English crystal mark or similar alternative across the board for all Tamworth Borough Council communications.

*(Moved by Councillor M Summers and seconded by councillor T Jay)*

**The Committee Endorsed the following recommendations made to them as part of the report:**

- .5. Endorsed the content of the Section 20 notices produced by Campbell Tickell and approves submitting them to Cabinet for consideration for use in future consultations. [Appendix 2]
6. Approved recommending to Cabinet that consultation commences in relation to the remedial works identified in the Campbell Tickell report. [Appendix 2] 4.
7. Recommended to Cabinet the approach to undertaking remedial works as opposed to full roofing renewals
8. Supported the continuation of the working arrangements with Campbell Tickell to produce a formal "Leaseholder Policy".
9. Supported the instruction of legal services to commence amendments to future leases to include for a management charge and to clarify the position in relation to major works and renewals with any amendments to be approved by Cabinet before implementation

*(Moved on block by councillor T Jay and seconded by Councillor B Price)*

**Back Ground Information**

At Full Council in September 2022 further to a question from a Member of the Public under procedure rule no. 10 Following a review held by Corporate Scrutiny Committee a motion without notice was moved under rule 4.10.10 and it was resolved that the Council –

*Agreed that the handling of communications to residents is brought to corporate scrutiny at the first available meeting and specifically how we handle communications to leaseholders. This should include looking at how leaseholders are made aware of their responsibility for payment for works required by Tamworth Borough Council as freeholder of their properties and their right to influence the Councils decisions, using the Gillway cases we've heard of tonight as our case study.*

6<sup>th</sup> October 2022 – Corporate Scrutiny – a working group was established to consider this matter.

17<sup>th</sup> November 2022 – Corporate Scrutiny - it was reported that a list of questions had been compiled and would be sent to Officers/Portfolio Holder

8<sup>th</sup> December 2022 – Corporate Scrutiny – it was reported that responses had been received from Officers and a meeting was to be convened.

8<sup>th</sup> February 2023 – Corporate Scrutiny - an update was provided on the work of the group and a set of recommendations was moved to be presented to cabinet

23<sup>rd</sup> February 2023 – Corporate Scrutiny - make recommendations to Cabinet around Leasehold Service Charges. 21<sup>st</sup> August 2023 – Full Council agrees to Strategic Review of Leasehold Service Charges

14<sup>th</sup> March 23 – Corporate Scrutiny - update that at the Cabinet meeting on the 23<sup>rd</sup> February that 6 out of the seven recommendations made by the committee were agreed and that the working group should continue until June.

20<sup>th</sup> June 23 – Corporate Scrutiny - an update was provided to the Committee on the current status of the matter further to their recommendations. The Committee moved the following recommendation –

*That this entire issue is referred to full council for a debate and make a decision how we are going to treat these vulnerable residents.*

23<sup>rd</sup> August 2023 – At Full Council it was resolved that –

Council carry out a Strategic Review which includes the specifics of withdrawing existing stage 3 consultations and pausing the issuing of any further stage 3 consultations until the completion of the review unless there is an urgent need for works to address issues of health and safety or structural integrity

13<sup>th</sup> August 2024 – Corporate Scrutiny – Committee receive an update on the review.

## **Executive Summary**

At the meeting of the Corporate Scrutiny Committee on the 13<sup>th</sup> August 2024 the Committee received the report of the Portfolio Holder for Housing Homelessness and Planning/Executive Director Communities to provide an update on the review of Leaseholder charging undertaken by Campbell Tickell in response to concerns raised about the Council, approach to leaseholder charging.

The report provided a summary of work done to date including the establishment of a leaseholder working group made up of Members and leaseholder representatives. It provided a summary of the key findings from the report of Campbell Tickell, who had been commissioned by Tamworth Borough council to reviews its engagement with leaseholders and its method for planning investment works. The report covered the options available to the Council and the advantages/risks associated with these. The report contained a suite of letters produced by Cambell Tickell for the Council as well as the full report.

During the discussion at Scrutiny the Committee raised a number of questions/ observations and concerns around –

- Whether the Officers endorsed the contents of the report and whether they proposed any deviations to the findings of the report
- How communication would be addressed, highlighting that communication from the Council had been poor in the past
- The Cost implications around the works
- Further information around the idea of submitting a test case to a first-tier tribunal
- Whether a goodwill gesture could be made to those affected by the process
- The next steps for the Council
- More information around the stock survey and roof surveys that had been carried out
- Clarification around Officer estimates for lifespan of roofs and cost of repairs in the meantime

The Committee were presented with eight recommendations. Following discussions the Committee moved to amend the first and last recommendation. The Committee moved five out of the eight recommendations as they were, and one was not moved. The Committee moved a further two recommendations as above. These recommendations are being presented to Cabinet for consideration.

The full report is available at -

[\(Public Pack\)Agenda Document for Corporate Scrutiny Committee, 13/08/2024 18:00 \(tamworth.gov.uk\)](#)

### **Options Considered**

None.

### **Key considerations**

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. The agenda for Executive meetings shall include a standing item entitled 'Matters Referred to the Cabinet In Accordance with the Overview and Scrutiny Procedure Rules'. The reports of overview and scrutiny committees and sub-committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within one calendar month of the overview and scrutiny committee or sub-committee completing its report/recommendations.
3. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
4. Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months from receiving the report or recommendations.
5. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
6. The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising

### **Report Author**

Councillor Samuel Smith



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